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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,502	11/27/2001	Donald E. Mosing	FRK-086	1988
21897	7590	11/07/2007	EXAMINER	
THE MATTHEWS FIRM 2000 BERING DRIVE SUITE 700 HOUSTON, TX 77057			ART UNIT	PAPER NUMBER

DATE MAILED: 11/07/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)
	10/027,502	MOSING, DONALD E.

Examiner	Art Unit
Daniel P. Stodola	3679

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 18 July 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

See Continuation Sheet.



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
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Continuation of 10. Other (including any explanation in support of the above items): Appellant still has not provided a proper mapping of each independent claim in the manner required by 37 CFR 41.37(c)(1)(v). In this regard, it should be noted that each independent claim must be addressed separately and completely apart from any other independent claim and the concise explanation of the subject matter defined in the respective independent claim must refer to the specification by page and line number and the drawings by reference character for each and every element recited in the claim. The instant appeal brief fails to address the claims independently in and unto themselves. Further, claims 12, 19 and 20 are not even presented separately while the separate presentation of claims 1 and 5 fail to include the requisite specification location and reference character. Further still, how the claims appeared when the application was originally filed is of little consequence since this section is to map out the claims on appeal.

Further, appellant lists three items in the Evidence Appendix. However, the only item present is a copy of the front page of Guice. The complete patent to Guice, the patent to Bee et al, and the blow-up of Figs. 3 and 4 are not present. Moreover, appellant has failed to provide any statement setting forth where in the record the evidence included in the Evidence Appendix was entered by the examiner. This should be noted especially in regard to the blow-up of Figs. 3 and 4 that appellant refers to and is otherwise not provided as a part of the appeal brief. In particular, reference to unentered evidence is not permitted in the appeal brief.